

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

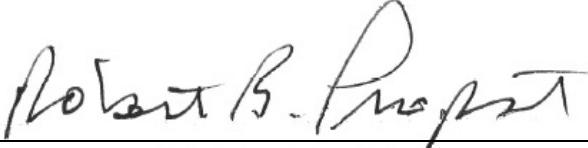
JAMES EDWARD WALLACE,)
)
Plaintiff,)
)
vs.) 4:04-cv-03047-RBP-TMP
)
Dr. CHERVENOFF, *et al.*,)
)
Defendants.)

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on June 2, 2006, recommending that this action be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). The plaintiff filed objections to the report and recommendation on June 19, 2006. (Doc. #21).¹

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and hereby is **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, this action is due to be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). A Final Judgment will be entered.

DATED this the 5th day of July, 2006.


ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE

¹ Included in the plaintiff's objections is a motion to amend the complaint pursuant to Rule 15(b). The motion is **DENIED**.